

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Investigation of **Mike E.)**
Darbyshire d/b/a Darbyshire Farms, LLC, of)
Hartford, Kansas, Regarding the Violation(s) of the)
Motor Carrier Safety Statutes, Rules and Regulations) Docket No. 21-TRAM-405-PEN
and the Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.

STAFF'S MOTION TO VACATE PENALTY ORDER

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, Ahsan A. Latif, files its Motion to Vacate the Penalty Order issued to Mike E. Darbyshire, d/b/a Darbyshire Farms LLC (Darybyshire Farms or Carrier). In support of its Motion, Staff states as follows:

1. On April 29, 2021, Commission Staff Special Investigator (SI) Verna Jackson submitted a Report and Recommendation regarding Carrier's failure to pay its Unified Carrier Registration (UCR) fees for year 2020. As explained by Ms. Jackson, motor carriers must pay annual UCR fees in order to lawfully operate in interstate commerce.¹

2. On May 6, 2021, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its UCR fees.

3. On May 17, 2021, Mike Darbyshire, Owner of Carrier, contacted Staff regarding the Penalty Order. Mr. Darbyshire stated that due to the pandemic he had very limited operations in 2020 and did not know he had to pay his 2020 UCR fees. Staff determined that Carrier had paid its 2020 UCR fees on May 12, 2021 and had already paid its 2021 UCR fees. A copy of Carrier's UCR Registration Receipt is attached hereto as Attachment A.

¹ Staff's R&R, p. 1 (May 6, 2021).

4. Therefore, based on the evidence that Carrier paid its 2020 UCR fees, Staff requests the Commission vacate the Penalty Order issued to Carrier on May 6, 2021.

WHEREFORE, for the reasons stated above, Staff respectfully requests the Commission vacate the Penalty Order issued to Mike E. Darbyshire, d/b/a Darbyshire Farms LLC in this docket on May 6, 2021.

Respectfully submitted,

/s/ Ahsan Latif

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For Commission Staff

ATTACHMENT “A”



2020 UCR Registration is VALID!



Confirmation # 000-0251-9795

Generated: 05/18/2021 08:43 EST

Registered on: 05/12/2021 14:09 EST

Year:	2020
	UCR Fee: \$59.00
Paid:	Convenience Fee: \$1.62
	Total: \$60.62
Bracket:	0 to 2 vehicles [1 vehicle(s)]
USDOT #:	798135
Classifications:	Motor Private Carrier
Legal Name:	MIKE E DARBYSHIRE
DBA:	DARBYSHIRE FARMS LLC
Base State:	Kansas
	2111 RD 80
Principal:	HARTFORD, KS 66854-9288
	US
Payor:	MIKE E DARBYSHIRE

*** Expires: 12/31/2020 ***

CERTIFICATE OF SERVICE

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means electronic service this 18th day of May, 2021:

Ahsan Latif, Litigation Counsel
Kansas Corporation Commission
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MIKE E DARBYSHIRE
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/s/ Vicki Jacobsen